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FROMMER LAWRENCE & HAUG  
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EXAMINER

POLTORAK, PIOTR

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/727,257

Applicant(s)

MACHE, NIELS

Examiner

Peter Poltorak

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The Amendment, and remarks therein, received on 7/25/05 have been entered and carefully considered.

***Response to Amendment***

2. Applicant's arguments have been carefully considered but they were not found persuasive.
3. The newly introduced limitation in claim 1 and 5-6: "wherein said message broker is an entity physically separated from said first and second message gateways" is addressed in this Office Action, below.
4. As per rejection 35 U.S. C. § 103 (a) as being unpatentable over Vaudreuil in view of Farrow et al and Official Notice and in further in view of Robichaux applicant argues that Vaudreuil fails to teach extracting meta information from a received message and transmitting the meta information from the first message gateway to the message broker.
5. Applicant's argument was not found persuasive.

*Farrow et al.* teach transmitting extracted meta information from the first message gateway to and receiving modified meta information from the message broker (*DNS or DHCP server, col. 2 lines 10-31*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a message broker to receive meta information and return modified meta information as taught by Farrow et al. given a benefit of easy search and updates to information of prospective recipients of data.

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6. In response to applicant's argument that Farrow et al. is directed to a protocol for a centralized communication system rather than to a distributed messaging process the examiner points out that the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

Farrow et al.'s teaching directed to "communications system comprising a receiving messaging system connectable to a sending messaging system" (*Farrow et al.*, *Abstract*) used by the examiner to highlight the operation of the system reads on applicant's claim limitation.

7. Claims 1-9 have been examined.

#### ***Claim Objections***

8. Claims 1-9 are objected to because of the following informalities: the claim language is inconsistent. Applicant uses different terms when addressing the same entities. For example in claim 1 applicant uses the terms: "the message broker" and "said message broker". The term: "the first message gateway" is referred to as "said first message gateway" etc.
9. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
11. "Client profiles" in claims 1 and 5 lack antecedent basis.
12. The phrase: "to provide for security and authentication" in claims 2 and 8 is not understood. The examiner points out that "authentication" is a subset of "security". For purposes of further examination the phrase is treated as "to provide authentication".
13. Claims 3-4 are rejected by virtue of their dependence.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 3-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by *Sakellariadis (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>)*.
15. *Sakellariadis* teach two Outlook clients (Patmos and MarkPC), three Exchange servers (Athena, Hermes and Arlington) and DNS server (with host name dns.dcnw.com) running at an Internet Service Provider (ISP) ("*Exchange Server's SMTP Support*" section and Fig. 1).

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16. As per claims 1, 3-9 *Sakellariadis* teaches that when MarkPC client sends an email to Mark client (at mark@minasi.com) the email is first received by an Internet mail gateway (Hermes, with host name hermes.paradigms.com) (*"Internet Message Transport" section*).

This reads on: receiving a message from a sending client by a first message gateway.

17. When Hermes receives the email message, it examines the recipient's address and attempts to locate the SMTP mail server on the Internet that houses Mark's mailbox. To locate the correct mail server, Hermes queries a Domain Name System (DNS) server for the mail exchanger (MX) and address (A) records for the domain. Hermes will look for MX and A records that match minasi.com. NSLOOKUP for minasi.com on the DNS server connected to the Internet provides following information:

minasi.com MX preference = 10, mail exchanger = arlington.minasi.com

arlington.minasi.com internet address = 199.34.57.24

This information tells Hermes that the Exchange server to deliver email for anyone at minasi.com to server arlington.minasi.com, which has an IP address of 199.34.57.24 (*"Internet Message Transport" section*).

This reads on: "extracting meta information from the received message" and "transmitting the meta information extracted from the received message from the first message gateway to a message broker while keeping the received message at the first message gateway".

18. To send email to mark@minasi.com, Hermes attempts to connect to TCP port 25 of the Arlington server. To receive SMTP email, Arlington must run SMTP host software and respond appropriately when any server sending SMTP email connects to it. Hermes hasn't confirmed that Arlington will receive email for the domain minasi.com or that user mark@minasi.com exists, but Hermes trusts the DNS records. Hermes then begins to transfer my email message to Arlington using SMTP (*"Internet Message Transport" section*).

This reads on: "selecting of a second message gateway on the basis of the meta information and client profile data by the message broker", "transmitting modified meta information including message managing information from the message broker to the first message gateway", and "transmitting the message from the first message gateway to the selected second message gateway so that the second message gateway can transfer the message to a target client".

19. Fig. 1 clearly shows that the message broker is physically separated from the first and second message gateways.

20. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sakellariadis* (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>) in view of *Leeds* (Leeds, U.S. Pub. 20020016824 A1).

21. *Sakellariadis* teaches the message broker processing the meta information and returning the meta information to the first message gateway as discussed above.

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22. *Sakellariadis* does not explicitly teach processing the meta information to provide for security and authentication.

23. *Leeds* teaches providing processing the meta information for security and authentication (*Leeds* [36]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide processing the meta information as taught by *Leeds* into *Sakellariadis*'s invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to address spamming problems and potential spread of viruses.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 1, 3-7 and 9 are rejected under 35 U.S.C. 103(a) as being anticipated by

*Robichaux* (Paul Robichaux, "Managing Microsoft Exchange Server, ISBN: 1565925459, July 1999) in view of *Sakellariadis*. (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>).

25. *Robichaux* teaches receiving a message from a sending client (*Alice*) by a first message gateway (*the local server IS*), resolving recipient addresses by using a message broker (*Directory*) (which reads on extracting meta information from the



received message from the first message gateway to a message broker and selecting a second message gateway on the basis of the meta information and client data by the message broker and transmitting modified meta information including message managing information (*recipient address information*) from the message broker to the first message gateway), and transmitting the message from the first message gateway to the selected second message gateway (*the remote server IS*) so that the second message gateway can transfer the message to a target client (*e.g. Don, Charlie*) (*Robichaux, pg. 20 Fig. 2-2*).

26. *Robichaux* does not explicitly teach that that the message broker is physically separated from the first and second message gateways.

27. *Sakellariadis* teach a message broker that is physically separated from the first and second message gateways as discussed above (*Paragraph 19 discussion in regard to Sakellariadis, Fig. 1*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize the message broker physically separated from the first and second message gateway as taught by *Sakellariadis*. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide a scalable database of meta information on and accessible to various network clients.

28. As per claim 3 the recipient address received from the first gateway must be used (included) for the message to be able to reach (be routed) the destination.

29. As per claim 4 *Robichaux* does not explicitly teach a message processor that converts the message prior to being sent to the selected second message gateway.

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However, the existence of a message processor is inherent, since in order to utilize networks for a message delivery, the message must be converted to meet criteria of the particular network protocol and a protocol layer.

30. Claims 5 and 6 are substantially equivalent to claim 1; therefore claims 5 and are similarly rejected.

31. Claim 7 is substantially equivalent to claim 3 and claim 8 is substantially equivalent to claim 4; therefore claims 7 and 8 are similarly rejected.

32. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Robichaux* (Paul Robichaux, "Managing Microsoft Exchange Server, ISBN: 1565925459, July 1999) in view of *Sakellariadis* (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>) and further in view of *Leeds* (*Leeds*, U.S. Pub. 20020016824 A1).

33. *Robichaux* in view of *Sakellariadis* teach the message broker processing the meta information and returning the meta information to the first message gateway as discussed above.

*Robichaux Sakellariadis* do not explicitly teach processing the meta information to provide for security and authentication.

*Leeds* teaches providing processing the meta information for security and authentication (*Leeds* [36]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide processing the meta information as taught by *Leeds* into *Robichaux's* invention. One of ordinary skill in the art would

have been motivated to perform such a modification in order to address spamming problems and potential spread of viruses.

34. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Vaudreuil* (U.S. Patent No. 5740230) in view of *Farrow et al.* (U.S. Patent No. 6374295).
35. As per claims 1, 3 and 5-7 *Vaudreuil* teaches a distributed system (*Fig. 1*) for the transmission of messages, the system comprising a first message gateway (*inbound network hub 12*) for the reception of messages from sending clients (*Arnie, col.22 lines 42-67*), a message broker (*hub database, 68*), for receiving the meta information from the first message gateway, and a second message gateway (*outbound network hub, 14*) for receiving the message from the first message gateway (*col.22 lines 42-67 and Fig. 14*). Col. 13 lines 18-31 show messages containing meta information which are mapped within a clients profile data of a message broker to routing information (*col. 4 lines 46-65, Fig. 14*).
36. *Vaudreuil* does not explicitly teach transmission of meta information extracted from the received message from the first message gateway to a message broker. *Farrow et al.* teach transmitting extracted meta information from the first message gateway to and receiving modified meta information from the message broker (*DNS or DHCP server, col. 2 lines 10-31*).
- It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a message broker to receive meta information and return modified

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meta information as taught by Farrow et al. given a benefit of easy search and updates to information of prospective recipients of data.

37. As per claims 2, 4 and 8-9 *Vaudreuil* teaches that the message is converted by a media translator before it is sent to the selected second message gateway (*Vaudreuil*, col. 19 lines 20-67 and col. 20 lines 28) and teaches processing the meta information to provide security and authentication (*Vaudreuil*, col. 9 line 45- col. 10 line 18).


### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
12/06/05

  
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